

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

TREVOR FITZGIBBON,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:19-cv-477-REP
)	
JESSELYN A. RADACK,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendant Jesselyn A. Radack, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6) hereby moves to dismiss with prejudice the Amended Complaint filed herein by Plaintiff Trevor Fitzgibbon for failure to state a claim upon which relief may be granted and in support thereof, respectfully refers the Court to the accompanying Memorandum in Support.

WHEREFORE, Jesselyn A. Radack respectfully requests that the Court grant the instant motion and enter the attached proposed Order.

Dated: October 23, 2019

Respectfully submitted,

JESSELYN A. RADACK

THE THOMAS LAW OFFICE, P.L.C.
11130 Fairfax Boulevard, Suite 200-G
Fairfax, VA 22030
Telephone: 703-957-2577
Facsimile: 703-957-2577
E-mail: mthomas@thomaslawplc.com

By: /s/ D. Margeaux Thomas
D. Margeaux Thomas (VSB #75582)
Counsel for Defendant Jesselyn A. Radack

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October 2019, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Steven S. Biss
300 West Main Street, Suite 102,
Charlottesville, VA 22903
stevenbiss@earthlink.net

/s/ D. Margeaux Thomas
D. Margeaux Thomas (VSB #75582)
The Thomas Law Office PLC
11130 Fairfax Blvd., Suite 200-G
Fairfax, VA 22030
Telephone: 703.957.2577
Facsimile: 703.957.2578
Email: mthomas@thomaslawplc.com
Counsel for Defendant Jesselyn A. Radack